

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

FILED/REC'D

2023 DEC 26 A 10:47

AMENDED COMPLAINT:

CLERK OF COURT  
U.S. DISTRICT COURT  
WD OF WI

DAVID ADOLPH SHAMLEY(ZAMORA)  
PLAINTIFF,

CASE NO. 23-CV-815-jdp

✓

CHRISTINE SUTER, et al.  
DEFENDANTS.

DAVID ADOLPH SHAMLEY(ZAMORA)  
David a. Shamley(zamora)  
JACKSON CORRECTIONAL INSTITUTION  
N 6 5 0 0 HAPEK ROAD  
BLACK RIVER FALLS, WI 54615

DECEMBER 18<sup>TH</sup>. 2023.

COMPLAINT...

PLAINTIFF: DAVID ADOLPH SHAMLEY (ZAMORA) AT ALL TIMES RELEVANT, WAS INCARCERATED AT THE CHIPPEWA VALLEY TREATMENT FACILITY.

I, DAVID ADOLPH SHAMLEY (ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL IN SUPPORT OF THIS 28 U.S.C § 1983 A 1<sup>ST</sup>., 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS CONSTITUTIONAL VIOLATION(S) OF MY CIVIL RIGHTS. DELIBERATE INDIFFERENCE, VIOLATIONS OF STATE SAFETY REGULATIONS, RESULTING IN PERMANENT INJURY. ADVERSE ACTION, RETALIATION VIOLATION. NEGLIGENCE, RESULTING IN PERMANENT INJURY.

DAVID ADOLPH SHAMLEY (ZAMORA)  
JACKSON CORRECTIONAL INSTITUTION  
N 6500 HAIREK ROAD  
BLACK RIVER FALLS, WI 54615

DECEMBER 18<sup>TH</sup> 2023.

PARTYS

PLAINTIFF, DAVID A DOLPH SHAMLEY (ZAMORA)

1 AT ALL TIMES RELEVANT WAS INCARCERATED AT THE  
CHIPPENWA VALLEY CORRECTIONAL TREATMENT FACILITY.

DEFENDANT, CHRISTINE SUTER AT ALL TIMES RELEVANT

2 WAS THE WARDEN AT CHIPPENWA VALLEY CORRECTIONAL  
TREATMENT FACILITY. 2909 E. PARK AVE.  
CHIPPENWA FALLS, WI. 54729

DEFENDANT, JASON WUNDERLICH WAS AT ALL TIMES

3 RELEVANT WAS THE SECURITY DIRECTOR AT THE  
CHIPPENWA VALLEY CORRECTIONAL TREATMENT FACILITY  
2909 E. PARK AVE. CHIPPENWA FALLS, WI. 54729

DEFENDANT, GREGORY J. CLARK WAS AT ALL TIMES RELEVANT

4 AN ADMINISTRATIVE CAPTAIN AT THE CHIPPENWA VALLEY  
CORRECTIONAL TREATMENT FACILITY 2909 E.  
PARK AVE. CHIPPENWA FALLS, WI. 54729

DEFENDANT, KYLE D. ESLINGER WAS AT ALL TIMES RELEVANT  
5 AN ADMINISTRATIVE CAPTAIN AT THE CHIPPENWA VALLEY  
CORRECTIONAL TREATMENT FACILITY

2909 E. PARK AVE. CHIPPENWA FALLS, WI. 54729

DEFENDANT, BEE L. YANG WAS AT ALL TIMES RELEVANT

6. A CORRECTIONAL SERGEANT AT THE CHIPPEWA VALLEY  
CORRECTIONAL FACILITY 2909 E. PARK AVE.  
CHIPPEWA FALLS, WI. 54729.

DEFENDANT, CHRISTOPHER O'BRIAN AT ALL TIMES

7. RELEVANT WAS THE OWNER OF PRIME COAT COATING  
SYSTEMS CONTRACTING COMPANY  
405 OAKWOOD AVE.

WAUKEGAN, IL. 60085

FACTS:

AS TO DEFENDANT, CHRISTINE SUTER, I DAVID A. SHAMIEY

(ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL IN SUPPORT

8. OF 28 U.S.C § 1983; A 1<sup>ST</sup>, 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT  
CONSTITUTIONAL VIOLATION OF MY CIVIL RIGHTS.

DELIBERATE INDIFFERENCE, AND VIOLATION OF STATE

SAFETY REGULATIONS, RESULTING IN PERMANENT INJURY.

FAILURE TO PROTECT FROM IMMINENT DANGER/HARM.

9. AS TO DEFENDANT, JASON WUNDERLICH I DAVID A. SHAMIEY  
(ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL IN SUPPORT -

OF THIS U.S.C § 1983: A 1<sup>ST</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENT CONSTITUTIONAL VIOLATION OF MY CIVIL RIGHTS.

10 DELIBERATE INDIFFERENCE, AND VIOLATION OF STATE SAFETY REGULATIONS, RESULTING IN PERMANENT INJURY. FAILURE TO PROTECT FROM IMMINENT DANGER/HARM. ADVERSE ACTION, RETALIATION. CRUEL AND UNUSUAL PUNISHMENT. VIOLATIONS.

AS TO DEFENDANT GREGORY J. CLARK, I DAVID ADOLPH SHAMIEY (ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL IN SUPPORT OF THIS 28 U.S.C § 1983: A 1<sup>ST</sup>, 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT CONSTITUTIONAL VIOLATION OF MY CIVIL RIGHT, DELIBERATE INDIFFERENCE, AND VIOLATION OF STATE SAFETY REGULATIONS, RESULTING IN PERMANENT INJURY. FAILURE TO PROTECT FROM IMMINENT DANGER/HARM, ADVERSE ACTION, RETALIATION. CRUEL AND UNUSUAL PUNISHMENT. VIOLATIONS.

11 AS TO DEFENDANT, KYE D. ESLINGER, I DAVID ADOLPH SHAMIEY (ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL IN SUPPORT OF THIS 28 U.S.C § 1983: A 1<sup>ST</sup>, 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENT VIOLATIONS OF MY CIVIL RIGHTS, ADVERSE ACTION, RETALIATION, DELIBERATE INDIFFERENCE, AND VIOLATION OF STATE SAFETY REGULATIONS, RESULTING IN

PERMANENT INJURY, FAILURE TO PROTECT FROM IMMINENT DANGER/HARM, CRUEL AND UNUSUAL PUNISHMENT.

AS TO DEFENDANT, BEE L. YANG I, DAVID ADOLPH SHAMLEY (ZAMORA) NOW CLAIM TO THIS FEDERAL  
13 TRIBUNAL, IN SUPPORT OF THIS 28 U.S.C § 1983  
A 14<sup>TH</sup>. AMENDMENT CONSTITUTIONAL VIOLATION OF  
MY CIVIL RIGHT TO BE EQUALLY PROTECTED FROM  
IMMINENT DANGER/HARM. DELIBERATE INDIFFERENCE  
VIOLATION.

AS TO DEFENDANT CHRISTOPHER O'BRIAN, OWNER  
OF PRIME COAT COATING SYSTEMS, I DAVID ADOLPH  
14 SHAMLEY (ZAMORA) NOW CLAIM TO THIS FEDERAL TRIBUNAL  
IN SUPPORT OF THIS 28 U.S.C § 1983: A 14<sup>TH</sup>.  
AMENDMENT CONSTITUTIONAL VIOLATION TO BE EQUALLY  
PROTECTED FROM IMMINENT DANGER/HARM.  
NEGLIGENCE, RESULTING IN IRREVERSIBLE INJURY.  
VIOLATION OF STATE SAFETY REGULATIONS, RESULTING  
IN PERMANENT INJURY.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WISCONSIN

PLAINTIFF, DAVID ADOLPH SHAMLEY (ZAMORA) IS AND WAS AT  
ALL TIMES MENTIONED HEREIN, A PRISONER OF THE WISCONSIN  
15 DEPARTMENT OF CORRECTIONS, AND IS CURRENTLY INCARCERATED  
AT THE JACKSON CORRECTIONAL INSTITUTION IN BLACK RIVER  
FALLS, WI

DEFENDANT CHRISTINE SUTER IS THE WARDEN AT THE  
16 CHIPPEWA VALLEY CORRECTIONAL TREATMENT FACILITY. SHE  
IS LEGALLY AND FULLY RESPONSIBLE FOR THE DAILY OPERATIONS  
AND FOR THE SAFETY, WELFARE OF ALL PRISONERS AT THE  
FACILITY.

DEFENDANT JASON WUNDERLICH IS THE SECURITY DIRECTOR  
17 AT THE CHIPPEWA VALLEY CORRECTIONAL TREATMENT FACILITY.  
HE IS LEGALLY AND FULLY RESPONSIBLE FOR THE SECURITY,  
SAFETY AND WELFARE OF ALL PRISONERS AT THE FACILITY.

18 DEFENDANT GREGORY CLARK IS A ADMINISTRATIVE CAPTAIN  
AT THE CHIPPEWA VALLEY TREATMENT FACILITY. HE IS LEGALLY  
AND FULLY RESPONSIBLE FOR THE SECURITY, SAFETY AND THE  
WELFARE OF ALL PRISONERS AT THE FACILITY.

DEFENDANT, KYLE ESLINGER IS A ADMINISTRATIVE CAPTAIN AT THE CHIPPEWA VALLEY TREATMENT FACILITY.

19 HE IS LEGALLY AND FULLY RESPONSIBLE FOR THE SECURITY, SAFETY AND THE WELFARE OF ALL PRISONERS AT THE FACILITY.

SERGEANT BEE L. YANG IS A CORRECTIONAL SERGEANT AT THE CHIPPEWA VALLEY TREATMENT FACILITY. HE IS

20 LEGALLY AND FULLY RESPONSIBLE FOR THE SECURITY, SAFETY AND WELFARE OF THE PRISONERS ASSIGNED TO THE HOUSING UNIT HE'S RESPONSIBLE FOR OVER SEEING AND SUPERVISING.

DEFENDANT, CHRISTOPHER O'BRIAN OWNS THE PRIME 21 COAT COATING SYSTEMS CONTRACTING COMPANY. HE IS LEGALLY AND FULLY RESPONSIBLE THE EMPLOYEES, EMPLOYED BY HIS COMPANY.

22 EACH DEFENDANT HEREIN NAMED IS SUED INDIVIDUALLY, IN THEIR PRIVATE CAPACITY, AS WELL AS IN THEIR OFFICIAL CAPACITY.

STATEMENT OF CLAIM

ON JUNE 21ST, 2023, AT 8:19 AM I ENTERED THE SHOWER  
23 AREA ON MY ASSIGNED HOUSING UNIT AT THE CHIPPEWA VALLEY  
TREATMENT FACILITY.

AS I HUNG MY SHOWER EQUIPMENT ON THE SHOWER PAR-  
24 TITAN (DOOR), AND WAS TURNING AWAY TO LEAVE THE  
SHOWER AREA TO RETRIEVE ADDITIONAL ITEMS FROM THE  
10-MEN DORM I WAS HOUSED IN, THE CEILING PARTIALLY  
"COLLAPSED" OVER ME.

I WAS "STRUCK" BY A LARGE METAL CEILING TILE, STARTLED,  
25 AND ALSO INJURED I THAN, LOST MY FOOTING, FROM THE  
ROCKS, AND PEBBLES NOW ON THE TILED FLOOR, TWISTING  
MY BACK, IN AN ATTEMPT TO CATCH MY BALANCE, I  
FELL TO THE FLOOR IN SEVERE PAIN.

26 OTHER INMATES HEARD THE COMMOTION, AND CAME  
RUNNING TO THE SHOWER AREA.

27 I "PIEDED" FOR THE INMATE(S) TO GET STAFF'S ATTENTION  
, BECAUSE I WAS SERIOUSLY HURT.

28 NOT LONG AFTER, SERGEANT YANG ARRIVED TO THE  
SHOWER AREA, AND ATTEMPTED TO HELP ME TO MY

FEET, BUT THE PAIN IN MY BACK WOULDN'T ALLOW ME TO STAND SO, SGT. YANG ASSISTED ME BACK TO THE FLOOR, WHERE I LAYED, AS SGT. YANG SUMMONED THE NURSING STAFF.

29 WHEN THE NURSING STAFF ARRIVED, IT WAS DECIDED THAT THE E.M.T.'S SHOULD BE SUMMONED, AND I SHOULD BE TAKEN BY AMBULANCE TO THE LOCAL HOSPITAL E.R. FOR FURTHER EVALUATION.

30 THE PARAMEDICS ARRIVED, C-COLLARED ME, AND PLACED ME ON A GOURNEY, TRANSPORTING ME TO THE HOSPITAL E.R.

31 AT THE TIME OF THIS INCIDENT, AS I WAS ENTERING THE SHOWER AREA, IT WAS REGULAR DAY ROOM HOURS.

32 THERE WERE "NO" SIGNS, "NO" POSTINGS, "NO" CONSTRUCTION-CONES PRESENT AT, OR AROUND THE SHOWER AREA'S ENTRANCE/DOORWAY. THE SHOWER AREA WAS NOT "BLOCKED-OFF" NOR WAS IT CLOSED-OFF!

33 SGT. YANG, AT THIS POINT IN TIME, HADN'T CLOSED THE SHOWER AREA DOWN, AND THERE WAS "NO" INDICATION(S) PRESENT, NOTIFYING THOSE PRESENT

34 THAT THE SHOWER WAS UNDER CONSTRUCTION, OR THAT THE AREA HAD BECOME A CONSTRUCTION WORK ZONE/SITE. THERE WAS "NO" INDICATORS IN PLACE TO "WARN" ME, OR TO SIGNAL THAT THE SHOWER AREA WAS A DANGER, HAZARD, OR THAT THE AREA WAS "UNSAFE" FOR ME TO ENTER.

35 UPON INFORMATION I RECEIVED FROM NUMEROUS INMATES' AND ONE INMATE IN PARTICULAR (INMATE GARY ROSEK # 427938) EXPLAINED TO ME THAT, PRIOR TO ME BEING INJURED THAT MORNING, ON THE VERY SAME MORNING, HE WITNESSED TWO DIFFERENT INMATES ENTER THE SHOWER- AREA, AND "REMOVE" TWO HUGE CHUNKS OF CONCRETE FROM THE FLOOR OF THE SHOWER AREA, AND TURN THEM INTO THE PRISON OFFICIALS' STATIONED AT THE C/O'S STATION.

36 ALSO, UPON INFORMATION I RECEIVED FROM INMATE GARY ROSEK, AND INMATE KNUTOWSKI LUCAS # 380754 THESE PIECES OF "FALLEN" CEMENT WERE TAKEN TO THE SGT'S. OFFICE WELL BEFORE 8:19 AM, WHICH IS WHEN, I ENTERED THE SHOWER AREA.

37 SGT. YANG WAS SUMMONED TO THE SHOWER AREA BY OTHER INMATES, AFTER I WAS INJURED, LAYING ON THE FLOOR, AND IN NEED OF MEDICAL ATTENTION.

38 UPON INFORMATION I RECEIVED FROM INMATES PRESENT THE DAY OF THIS INCIDENT, DESPITE SGT. YANG BEING INFORMED OF THE UNSAFE/DANGEROUS CONDITIONS, THE PRIME COAT COMPANY'S CONSTRUCTION PROJECT WAS POSING, SGT. YANG

"FAILED" TO RESPOND TO THIS SERIOUS "RISK" OF HARM IN A REASONABLE MANNER, TO PREVENT MY INJURY.

SGT. YANG WAS "ARMED" WITH THE "KNOWLEDGE" THAT A 38 SERIOUS POTENTIAL FOR HARM/INJURY EXISTED, YET HE "FAILED" TO INVESTIGATE, AND GAGE AN ASSESSMENT OF THE SITUATION, TO DETERMINE FOR HIMSELF WHETHER, OR NOT A SUBSTANTIAL "RISK" OF SERIOUS HARM WAS PRESENT.

SGT. YANG'S "IN-ACTION," AND "FAILURE" TO ACT REASONABLY 39 DEMONSTRATED DELIBERATE INDIFFERENCE TO MY SAFETY, HEALTH, AND MY WELFARE, NOT ONLY MYSELF, BUT TO ALL PRISONERS PRESENT ON THAT PARTICULAR HOUSING UNIT.

40 SGT. YANG WROTE IN HIS INCIDENT REPORT, THAT HE WAS AWARE OF THE HEALTH-HAZARD, HOWEVER WHEN, HE GOT AROUND TO ADDRESSING, ASSESSING THE SITUATION IT WAS TOO LATE. I WAS ALREADY INJURED, AND IN NEED OF MEDICAL ASSISTANCE.

41 SECURITY FOOTAGE WILL SHOW THAT MY VERSION OF EVENTS ARE TRUE. SGT. YANG ARRIVED TO THE SHOWER AREA AFTER INMATES SUMMONED HIM TO DO SO, BECAUSE I HAD BEEN INJURED.

42 UPON MY RETURN TO THE FACILITY LATER THAT DAY, THE  
DAY THE INCIDENT OCCURRED, I RETURNED FROM THE  
HOSPITAL, AND WAS MET BY CAPTAINS ESSLINGER, AND  
CAPTAIN CLARK.

43 THESE TWO CAPTAINS ESCORTED ME INTO AN OFFICE  
IN THE INTAKE PORTION OF THE FACILITY, AS ONE SPOKE  
THE OTHER STARED AT ME IN SILENCE.

44 ONE BEGAN SPEAKING, SAYING THAT THIS MEETING WAS  
"OFF THE RECORD" HE THAN, INFORMED ME THAT IF I  
DIDN'T "RECAST" MY STORY RIGHT THAN, THAT HE WOULD  
HAVE TO WRITE ME A CONDUCT REPORT, CHARGE ME  
WITH FRAUD, AND ENTERPRIZING, PLACE ME IN SEGREGAT-  
ION, AND THAT I WOULD LOSE MY OPPURTUNITY TO  
PARTICIPATE IN E.R.P.

45 HE THAN, TOLD ME HE WAS GIVING ME ONE LAST  
OPPURTUNITY TO CHANGE MY STORY, THAN HE SAID  
THAT ONCE HE STARTS THE PAPER-WORK, THERE WAS  
"NO" TURNING BACK. HE THAN, LOOKED AT ME, AND  
SAID HE WOULD HATE TO SEE ME LOSE MY E.R.P  
OPPURTUNITY.

46 AFTER A FEW MOMENTS HE STOOD UP, AND ESCORTED  
ME TO A HOLDING CEL IN THE INTAKE AREA. AS  
WE WERE LEAVING THE OFFICE, HE TOLD ME TO

THINK HOW IMPORTANT MY E.R.P WAS.

I WAS PLACED IN A HOLDING CELL FOR 30-40 MINUTES BEFORE, I WAS ALLOWED TO RETURN TO THE HOUSING-  
47 UNIT BY ESCORT, WITH A C/O. I WAS INSTRUCTED TO PACK ALL MY BELONGINGS. I PACKED ALL MY THINGS, AND WAS MOVED TO ANOTHER SECTION OF THE FACILITY.

48 LATER THAT SAME DAY ON 6/21/2023. I FILED (2) COMPLAINTS. ONE ABOUT BEING INJURED BY THE "COLLAPSED" CEILING, AND ANOTHER ABOUT THE THREATS, AND INTIMIDATION THE CAPTAIN(S) USED IN AN ATTEMPT TO COERSE ME INTO MAKING A "FALSE" STATEMENT.

49 ON 6/28/2023. BOTH COMPLAINTS WERE RETURNED TO ME, WITH INSTRUCTIONS FROM THE I.C.E DEPARTMENT TO FIRST ATTEMPT "RESOLVE" MY ISSUES, PRIOR TO FILING ANY INMATE COMPLAINT(S).

50 BY THIS TIME FEAR BEGAN TO "SET-IN" ON ME, AND I WAS HAVING SECOND THOUGHTS ABOUT GOING FORWARD WITH, EXPOSING THE TWO ADMINISTRATIVE CAPTAINS FOR USING THREATS/INTIMIDATION ON ME. I WAS AFRAID OF THE CAPTAIN(S), ADMINISTRATION- OFFICIALS "RETALIATING" AGAINST ME, FOR ACCUSING PRISON OFFICIALS OF USING THREATS/INTIMIDATION ON ME.

ON 7/5/2023, MY BACK PAIN WAS NOT EASING UP,  
51 SO, I WROTE H.S.U MANAGER, AS INSTRUCTED BY THE  
I.C.E. I EXPLAINED, THAT MY BACK WASN'T GETTING  
BETTER.

ON 7/10/2023, THE H.S.U MANAGER ANSWERED  
52 MY "KITE" INFORMING ME, THAT I WAS SCHEDULED  
TO MEET WITH THE PROVIDER (DOCTOR).

53 WITH WITH INFO. I REALIZED THAT BEFORE I COULD  
FOLLOW-UP WITH RESUBMITTING ME COMPLAINT,  
I WOULD, FIRST HAVE TO ALLOW MY SCHEDULED  
APPOINTMENT WITH THE PROVIDER TO PLAY OUT,  
SINCE I WAS INSTRUCTED TO FIRST TRY TO  
"RESOLVE" MY ISSUES, BEFORE FILING ANY COMPLAINT(S).

HOWEVER, ON 7/13/2023, BEFORE, MY SCHEDULED  
APPOINTMENT OCCURRED, I WAS SUMMONED TO  
54 TO THE INTAKE DEPARTMENT. UPON MY ARRIVAL TO  
THE INTAKE AREA, I WAS ISSUED A CONDUCT RE-  
PORT FOR "ENDANGERING" MY SAFETY, AND LYING.  
THIS CONDUCT REPORT WAS "FRIVOLOUS", AND ALSO  
WRITTEN "MALICIOUSLY" BY CAPTAIN KYLIE ESLINGER.  
IN CONNECTION TO MY 6/21/2023 INJURY.

THE CONDUCT REPORT HELD ME RESPONSIBLE FOR MY INJURY(S) DESPITE THE FACT(S), THAT THERE WERE 55 "NO" SIGNS, POSTINGS PLACED AT, OR NEAR THE SHOWER AREA'S ENTRANCE, NOR WAS THE SHOWER AREA CLOSED/SHUT DOWN AT THE TIME MY INJURY(S) WERE SUSTAINED.

56 ON 7/13/2023.. I WAS PLACED IN RESTRAINTS, AND PLACED IN A STATE VAN, AND TRANSFERRED TO THE JACKSON CORRECTIONAL INSTITUTION.

UPON MY ARRIVAL AT J.C.I I WAS PLACED IN THE 57 SEGREGATION HOUSING UNIT WITHOUT ANY OF MY PROPERTY, INCLUDING ALL OF MY LEGAL DOCUMENTS, AND OTHER LEGAL MATERIALS THAT WERE IN MY PERSONAL PROPERTY.

58 ON 7/20/2023. A HEARING WAS HELD FOR THE CONDUCT REPORT WRITTEN BY DEFENDANT, KYLE ESLINGER.

ON 7/20/2023. DESPITE, MY SEVERAL REQUESTS 59 FOR MY LEGAL MATERIALS, I WAS INFORMED BY CAPTAIN CURTIS, AND ALSO CAPTAIN DUNAHAY, THAT MY PROPERTY HADN'T YET ARRIVED FROM THE PREVIOUS FACILITY.

ON 7/20/2023. I WAS FOUND "GUILTY" FOR THE  
60 TWO RULE VIOLATIONS CHARGED IN THE CONDUCT REPORT.  
I WAS GIVEN 30-DAYS IN SEGREGATION.

ON 7/23/2023. I "APPEALED" THE ADMINISTRATION'S  
61 DECISION TO, FIRST FIND ME "GUILTY" ON THE "FRIVOLOUS"  
CONDUCT REPORT, AND SECOND TO SENTENCE ME  
TO SUCH A "HARSH" CONSEQUENCE FOR GOING INTO  
THE SHOWER, THAT WAS UNDER CONSTRUCTION. THE  
JACKSON PRISON OFFICIALS AGREED WITH THE CHIPPEWA  
- VALLEY PRISON OFFICIALS, AFFIRMING THE DECISION.

62 ON 8/1/2023. MY CUSTODY LEVEL WAS ELEVATED  
FROM MINIMUM-SECURITY TO MEDIUM SECURITY.

63 FROM THE DATE OF MY TRANSFER TO THE JACKSON -  
CORRECTIONAL INSTITUTION ON 7/13/2023. UNTIL  
8/7/2023. I WAS NOT ALLOWED ACCESS TO MY  
LEGAL MATERIALS, FOR THE PURPOSE OF "REDRESS".

64 ON MULTIPLE OCCASIONS, FROM THE DATE OF MY  
TRANSFER TO THE JACKSON INSTITUTION, I "PLEADED"  
WITH THE JACKSON INSTITUTION PRISON OFFICIALS TO  
FIND OUT WHERE MY PROPERTY WAS AT, AND ON EACH

65 OCCASSION CAPT. DUNAHAY, AS WELL AS CAPT. CURTIS BOTH, ENSURED ME, THAT THEY EACH SENT THE CHIPPEWA OFFICIALS EMAILS ENQUIRING AS TO WHY THAT FACILITY HAD NOT YET SENT ANY OF MY PROPERTY AS OF VERY LATE JULY 2023. AS LATE AS JULY 28<sup>TH</sup>. 2023. I HAD NOT BEEN ALLOWED ACCESS TO MY LEGAL MATERIALS.

66 ON 8/7/2023. UPON MY RELEASE FROM SEGREGATION, I WAS FINALLY GIVEN ALL OF MY LEGAL MATERIALS AS WELL AS MY OTHER PERSONAL PROPERTY.

67 ON 8/7/2023. I FILED A COMPLAINT TO THE CHIPPEWA FACILITY REQUESTING PERMISSION TO NOW FILE A COMPLAINT, AND ATTACHED ALL NECESSARY DOCUMENTS WITH THIS COMPLAINT.

68 IN SEPTEMBER 2023. THE CHIPPEWA FACILITY'S I.C.E "REJECTED" MY COMPLAINT, "STATING" MY COMPLAINT WAS TIME BARRED. BEYOND THE 14-DAY LIMIT.

69 I AGAIN "APPEALED" THEIR DECISION TO "REJECT" MY LATE SUBMITTED COMPLAINT, EXPLAINING THE FACT THAT FOR THE ENTIRE 3 + WEEKS I SAT IN SEGREGATION, I HAD "NO" ACCESS TO ANY OF

MY LEGAL MATERIALS, AGAIN THE WARDEN OF THAT FACILITY AFFIRMED THE "REJECTION" DECISION, AND THAT DECISION WAS FINAL. MY ADMINISTRATIVE REMEDIES WERE EXHAUSTED AT THAT POINT. I COULDNT APPEAL THIS DECISION.

IN OCTOBER 2023. I AGAIN, FILED ANOTHER COMPLAINT WITH THE I.C.E DEPARTMENT, THIS TIME INFORMING <sup>70</sup> THEM THAT D.O.C POLICY (310.07) ALLOWS INMATES TO FILE LATE COMPLAINT WITH GOOD CAUSE, THIS COMPLAINT WAS "DISMISSED". I, THAN APPEALED THIS DECISION TO THE CENTRAL OFFICE IN MADISON, WI. WITH THE I.C.E SUPERVISOR, AND THE CENTRAL OFFICE OFFICIALS "AFFIRMED" THE "DISMISSAL" AS WELL. SO, MY ADMINISTRATIVE REMEDIES WERE "OFFICIALLY" EXHAUSTED.

### CONCLUSION:

THE WARDEN AT CHIPPEWA TREATMENT FACILITY, THE SECURITY DIRECTOR THERE, THE TWO ADMINISTRATIVE CAPTS. AND THE SGT. SUPERVISING THE HOUSING UNIT THAT MORNING, I WAS SERIOUSLY INJURED, AS WELL AS THE OWNER OF PRIME COAT COATING SYSTEMS ALL PLAYED A SIGNIFICANT ROLL IN THE FACT THAT, I WAS PERMANENTLY INJURED.

72 PRISON OFFICIALS WERE AWARE OF THESE "SAFETY HAZARDS", UNSAFE CONDITIONS, AND ALLOWED THIS SERIOUS "RISK" OF HARM TO EXIST IN THE PRISON. DESPITE HAVING KNOWLEDGE.

73 THE PRISON OFFICIALS ARE RESPONSIBLE, "SUPERVISORY LIABILITY". THEY TOLERATED POLICIES, AND BEHAVIORS THAT SHOW DELIBERATE INDIFFERENCE TO THE RIGHTS OF THOSE (PRISONERS) IN THEIR CUSTODY. ALL . . .

74 OF THE DEFENDANTS "NEGLIGENCE" ACTIONS, OR INACTION(S) PLACED ME IN IMMINENT DANGER, CAUSING ME PAIN, SUFFERING, AND IRREVERSIBLE INJURY, IN VIOLATION OF MY 8<sup>TH</sup> AMENDMENT RIGHT.

75 THE ADVERSE ACTION, RETALIATION "CARRIED-OUT" BY DEFENDANT KYLE ESLINGER, AND SPONSORED BY DEFENDANT GREGORY CLARK, AND DEFENDANT JASON WUNDERLICH, IN THE FORM OF A "FRIVOLOUSLY" WRITTEN, AND MELICIOUSLY CONCOCTED, HOLDING ME RESPONSIBLE FOR THE INCIDENT, CONDUCT REPORT.

76 THE CONFISCATION OF ALL OF MY LEGAL MATERIALS, PLACING ME IN SEGREGATION, AND WITHHOLDING ALL OF MY LEGAL MATERIALS FOR THE ENTIRE DURATION OF

THE TIME I SPENT IN SEGREGATION.

77 SGT. YANG, IN HIS INCIDENT REPORT "STATED", "THAT HE HAD NOT YET, MADE IT TO THE AREA, THAT POSED A "SERIOUS", SUBSTANTIAL "RISK" TO THE SAFETY OF THE INMATES HOUSING UNIT, TO ASSESS THE "DANGER" THE CONSTRUCTION COMPANY EMPLOYEES WERE POSING.

78 SGT. YANG "FAILED" TO IMMEDIATELY PLACE SIGNS, POSTINGS, WARNINGS, OR TO CLOSE, OR SHUT DOWN THE SHOWER AREA, RESULTED IN MY IRREVERSIBLE INJURY.

79 CAPT. ESLINGER DID AN INVESTIGATION, AND WAS WELL AWARE OF THE FACTS, YET DEFENDANT ESLINGER MADE UP HIS MIND TO "RETALIATE" AGAINST ME, IN THE FORM OF ADVERSE ACTION, MAKING HIS "PREVIOUS" THREATS TO ME A "PROPHESY," THAT WOULD LATER BECOME REALITY. THE PRISON OFFICIALS "VIOLATED" MY 1<sup>ST</sup>. AMENDMENT RIGHT TO HAVE ACCESS TO THE COURTS, AND MY RIGHT TO REDRESS OF GRIEVANCES (FREEDOM OF SPEECH) RIGHT.

80 THE WITHHOLDING OF MY LEGAL MATERIAL ESSENTIALLY PREVENTED ME FROM PURSUING A "NON-FRIVOLOUS"

LEGAL CLAIM

81 THE STATE EMPLOYEES (PRISON OFFICIALS) ACTED WITH DELIBERATE INDIFFERENCE, VIOLATING, MY 1<sup>ST</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS U.S. CONSTITUTIONAL LIBERTIES (RIGHTS). RESULTING IN MY PERMANENT INJURIES.

82 DEFENDANT, CHRISTOPHER O'ISRIAN ACTED "NEGLIGENCELY" RESULTING IN IRREVERSIBLE INJURY, VIOLATING STATE SAFETY REGULATION(S). FAILURE TO PROTECT FROM IMMINENT DANGER.

RELIEF SOUGHT:

AS A RESULT OF MY INJURY, I NOW USE A WALKER TO AMBULATE. THE NERVE "DAMAGE" TO MY LOWER BACK HAS CAUSED ME INCONTINENCE ISSUES. I'M IN CONSTANT PAIN... I AM NOW PRESCRIBED (4) MEDS. ALL RELATED TO MY BACK INJURY. I AM DISABLED, AND NO LONGER ABLE TO PARTICIPATE IN SPORTS/EXERCISE. THIS INJURY HAS DRAMATICALLY IMPACTED MY LIFE! I SUFFER FROM SEVERE ANXIETY/DEPRESSION NOW. I AM SEEKING COMPENSATORY DAMAGES FROM ALL THE DEFENDANTS IN THE SUM OF \$150,000 FROM EACH, IN THEIR PRIVATE-CAPACITY, AND IN THEIR OFFICIAL CAPACITY. \$50,000 IN PUNITIVE DAMAGES FROM THOSE DEFENDANTS ACTING UNDER COLOR OF LAW! FOR THE ADDITIONAL PAIN/SUFFERING ME, AND MY FAMILY HAS ENDURED. I WILL NOT BE ABLE TO SUPPORT MY FAMILY UPON MY RELEASE —

UNITED STATES WESTERN DISTRICT OF WISCONSIN  
VERIFICATION

CASE NO. 23-CV-815-jdp

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I HAVE READ THE FOREGOING COMPLAINT, AND  
HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN  
ARE TRUE, EXCEPT TO THE MATTERS ALLEGED ON THE  
INFORMATION, AND BELIEF, AND AS TO THOSE, I  
BELIEVE THEM TO BE TRUE. I CERTIFY UNDER THE  
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE, AND  
CORRECT.

EXECUTED BLACK RIVER FALLS, WISCONSIN  
ON DECEMBER 22<sup>ND</sup> 2023.

David A. Shamley (Zamora)  
JACKSON CORRECTIONAL INSTITUTION  
N 6500 HAPEK ROAD  
BLACK RIVER FALLS, WI. 54615

LEGAL

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